



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us

FAX 410-313-3467

TDD 410-313-2323

TECHNICAL STAFF REPORT
Petition Accepted on June 20, 2007
Planning Board Meeting of September 20, 2007
County Council Hearing to be scheduled

Case No./Petitioner: ZRA-89 – LDG, Inc.

Request: To amend Section 117.1.B of the Zoning Regulations to add alternative road access requirements for the BR zoning district.

Department of Planning and Zoning Recommendation: **APPROVAL WITH MODIFICATION**

1. DESCRIPTION OF PROPOSAL

- The Petitioner proposes an amendment to Section 117.1.B of the Zoning Regulations to add alternative road access requirements for the establishment of a BR District in the event a subject property does not have frontage along a collector or arterial highway.
- The Petitioner states that the amendment is appropriate for the BR zoning district and would allow properties in rural areas which do not have direct frontage on a collector or arterial highway to take advantage of business opportunities which are supported by the General Plan.
- The petition states that the proposed amendment is for a commercial property located which fronts on I-70 but due to access restrictions has access only from Livestock Road, a local road. The amendment would allow the development of a business which would support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunities for a combination of business and industrial uses not otherwise permitted in rural areas.
- The proposed amendment would add text to Section 117.1.B as follows (CAPITALS indicate text to be added):

B. Criteria

The BR District may be established at a particular location if the following criteria are met:

1. The proposed BR District is within the No Planned Service Area of the Howard County Water and Sewerage Master Plan.
2. The proposed BR District has safe road access and at least 60 feet of frontage on (A) a collector or arterial highway OR (B) AT LEAST ONE ACCESS POINT TO A RIGHT-OF-WAY WITHIN 400 FEET OF A COLLECTOR OR ARTERIAL HIGHWAY.
3. A BR District at the proposed location will be compatible with existing land uses in the vicinity of the site.

II. EXISTING REGULATIONS

Currently, the Zoning Regulations require that a proposed BR District has safe road access and at least 60 feet of frontage on a collector or arterial highway.

The definition of frontage refers to the portion of a parcel that adjoins a public road that provides vehicular access to the property. The Petitioner's property adjoins an arterial road. However, the higher classification roads prohibit direct access if access is available from a lower classification (local) road.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- The amendment would affect only properties in the No Planned Service Area of the Howard County Water and Sewerage Master Plan proposed to be rezoned BR. The BR District is a floating zone which requires the submission of a Preliminary Development Plan for a particular site and an evaluation of criteria for a particular petition as it relates to safe road access and compatibility with vicinal land uses.
- The proposal would amend the Zoning Regulations to add a provision that BR zoning could be sought for any property in the rural west, including those located on a local road, with at least one access point within 400 feet of a collector or arterial highway.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- The Petitioner states that the amendment would be in harmony with the Howard County General Plan Chapter 3, Preservation of the Rural West, particularly the section entitled Commercial Development. Policy 3.10 states that commercial expansion and redevelopment efforts should be directed to existing commercial crossroads in the Rural West, and that retail development should be discouraged outside the existing crossroad centers. This Section also states that non-residential development should be limited in scale to appropriately serve the local needs of the surrounding community rather than the interstate traveler, and that economic development should be discouraged along the I-70 Corridor unless immediately adjacent to an interchange and compatible with rural agricultural and residential uses in the vicinity.

The proposed amendment would be generally harmonious with the General Plan policies of Chapter 3 which support commercial agribusiness development appropriate to the Rural West in locations beyond rural commercial centers. The proposal is supported by the General Plan which states that appropriate agribusiness locations may include existing farms and sites approved for the Business: Rural floating zone. The proposed amendment would allow increased flexibility in the location of appropriate businesses permitted in the BR zone.

B. Relation to the Zoning Regulations

- The proposed amendment would add a provision to the Zoning Regulations to allow properties which do not have frontage along a collector or arterial highway but which have at least one access point to a right-of-way within 400 feet of a collector or arterial highway to be rezoned BR. Currently, properties proposed to be rezoned BR must have safe road access and at least 60 feet of frontage on a collector or arterial highway.

Eliminating the need for direct access to a collector or arterial highway and allowing access from a local road would be a means of providing opportunities for appropriate rurally oriented businesses provided that care is exercised to ensure that further traffic or noise conflicts with residential properties are not created by allowing this access without restriction along a local road. Therefore, a property would be required to *adjoin* a collector or arterial highway but may gain access to a local road if it has at least one access point within 400 feet of a collector or arterial highway provided there are no intervening residential parcels.

- The purpose of the BR District is to establish a district to allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of businesses and industrial uses not otherwise permitted in the rural areas of the County.
- It is intended that the BR District be applied at a particular location only if found to be appropriate with respect to road access and compatibility with neighboring land uses.

Safe road access is an important consideration in BR rezoning as indicated in the Purpose and Criteria sections of the Zoning Regulations. Compatibility with neighboring land uses is also an important consideration in BR rezoning.

While the BR District allows the development of agriculturally and rurally oriented businesses in rural areas, it also allows uses such as gasoline service stations and school bus storage which may utilize heavy vehicles and generate more traffic than typical for an area in the rural west. Eliminating the requirement for direct road frontage on a collector or arterial highway may result in heavy vehicles or increased traffic traveling through residential neighborhoods on local roads, however, the Zoning Regulations contain criteria for the evaluation of these factors as appropriate to each specific proposal, including the requirement for a Preliminary Development Plan, and an evaluation of road access and compatibility with neighboring land uses.

C. Agency Comments

The following agencies had no objections to the proposed amendment:

1. Department of Inspections, Licenses and Permits
2. Department of Fire and Rescue Services
3. Bureau of Environmental Health

PETITIONER: LDG, Inc.

V. RECOMMENDATION

APPROVAL WITH MODIFICATION

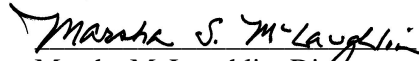
- For the reasons noted above, the Department of Planning and Zoning recommends that the request to amend Section 117.B. of the Zoning Regulations to add alternative road access requirements for the establishment of a BR District be DENIED as submitted, and APPROVED with the following modification (CAPITALS indicate text to be added APPROVED):

Section 117.1.B

B. Criteria

The BR District may be established at a particular location if the following criteria are met:

1. The proposed BR District is within the No Planned Service Area of the Howard County Water and Sewerage Master Plan.
2. The proposed BR District has safe road access and at least 60 feet of frontage on (A) a collector or arterial highway OR (B) MAY BE LOCATED ON A LOCAL ROAD PROVIDED THE SUBJECT PROPERTY ADJOINS A COLLECTOR OR ARTERIAL HIGHWAY AND HAS AT LEAST ONE ACCESS POINT TO A RIGHT-OF-WAY WITHIN 400 FEET OF A COLLECTOR OR ARTERIAL HIGHWAY PROVIDED THERE ARE NO INTERVENING RESIDENTIAL PARCELS.
3. A BR District at the proposed location will be compatible with existing land uses in the vicinity of the site.


Marsha McLaughlin, Director

09/06/07
Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM/ZLK/zlk